IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.7643 OF 2005

Suresh Dagdu Kamble & ors .. Petitioners

versus

The State of Maharashtra & 2 ors.. Respondents

Mr.S.S.Lanke for Petitioners

Mr.C.R.Sonawane A.G.P.for Respondent no.1

Mr.Vinay Bhate with Ms Deepa Chavan for Respondent nos. 2 and 3.

CORAM :R.M.S.KHANDEPARKAR &

SMT ROSHAN DALVI, JJ

DATED : 15th June, 2006

P.C.

1. Heard. Undisputedly under a letter dated 17th

March, 2004 the petitioner was clearly informed that plot no. 48 held by him would be reserved for him provided he would pay the earnest money deposit within a period of 90 days from the date of receipt of the letter. It is also not in dispute that the petitioner did not pay the earnest money deposit within a period of 90 days and even till this date. A contention is sought to be raised that the petitioner could not pay thereafter as the allotment was already cancelled. However, it is not in dispute that the cancellation has resulted on account of the failure on the part of the petitioner to pay the earnest money deposit within the period specified for such payment. Attention was sought to be drawn to the endorsement by the Hon'ble Minister for Industries having been made on in the letter dated 8th June, 2004 by the petitioner addressed to the concerned Minister to the effect that the period of payment may be extended by three months. Firstly,it is not shown as to under what authority the Minister had made such an endorsement and whether the Minister can at all extend the period for payment of the earnest money deposit. Secondly, it is pertinent to note that the endorsement has been made after cancellation of the allotment of the plot. Once

the allotment of the plot has been cancelled, there was no occasion for any authority to extend the period of the earnest money deposit. In the circumstances, there being no case made out for setting aside of the order dated 1st June, 2003 cancelling the allotment of plot no. 48 in favour of the petitioner and such order was passed for justifiable reason, we do not find any case for interference in that regard. Petition therefore stands rejected.

(R.M.S.Khandeparkar, J)

(Smt Roshan Dalvi, J)